

The LAC "How-to" For Commenting on Wetland and Site Specific Permit Applications

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Why are we here?

To protect unique New Hampshire rivers for the benefit of present and future generations through state and local resource management.



Statutory Authorities

- RSA 483
 - Rivers Management & Protection Act
- RSA 482.A
 - Wetlands
- RSA 485-A:17
 - Alteration of Terrain or Site Specific

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RSA 483

Rivers Management & Protection Act

- 483:12-a Requires notification of NHDES Rivers Coordinator & Local Advisory Committees (LACs)
- 483:8-a LACs authorized to consider and comment
- 483:9, 483:9-a, 483:9-aa, 483:9-b Specific protection measures

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Regulatory Protection for Designated Rivers

- Dam construction and channel alterations
- Instream flow protection
- Inter-basin water transfers prohibited
- Setback established for new solid and hazardous waste facilities
- Motorized watercraft usage controlled
- Use of biosolids prohibited within 250'

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RSA 482-A; Wetlands Permit

- Purpose: "...for the public good and welfare of the state to protect and preserve its submerged lands and wetlands from despoliation and unregulated alteration."
- 482-A.3; Dredge and Fill Permit required
- Wt 302.03; Guiding principal of Wetland Bureau rules is "avoidance and minimization"

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RSA 485-A:17 - Site Specific

- **Jurisdictional Thresholds:**
 - 100,000 sq ft of contiguous disturbance (50,000 sq ft within Protected Shoreland)
- **Major Components of Permit Review:**
 - Stormwater controls. Pre-development peak discharge rate does not exceed post-development peak discharge rate.
 - Provide treatment of stormwater runoff from impervious surfaces.
 - Construction erosion and sediment controls.

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Applications & Jurisdiction to RMPP

- **Jurisdiction:** $\frac{1}{4}$ mile wide corridor
- **Wetlands**
 - 2200 applications per year
 - ~ 5% within $\frac{1}{4}$ mile corridor
- **Site Specific**
 - 350 applications per year
 - ~ 25 within $\frac{1}{4}$ mile corridor.

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LAC Notification Procedure

- **Wetlands**
 - Expedited Applications
 - Email notification within 3-4 days
 - 2 weeks comment period
 - Standard Applications
 - Letter notification
 - 30 day comment period
- **Site Specific**
 - All applications
 - Letter notification within 5 days
 - No formal response period
 - May adopt 40 day requirement

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LAC Local Notification Requirements

RSA 483:8-a,III(a)

"Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated rivers."

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Helpful LAC Comments for DES

Provide one combined letter to Wetlands & Site Specific with local knowledge relative to:

- Flooding, ice dams
- Tributary streams, in-stream flows, water withdrawals
- Recreational, agricultural, & commercial uses along corridor
- Threatened or endangered species
- Localized bank erosion
- Dams within vicinity
- Significant habitat
- Stormwater BMP location relative to scenic or habitat value
- Any characteristics or values river was designated for
- RMPP Protection Measures

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Issues Outside DES Jurisdiction (i.e. discuss locally)

- Noise
- Traffic
- Zoning, setback issues
- Housekeeping practices
 - Fertilization uses (except within Protected Shoreland)
 - Street sweeping
 - Catch basin stenciling

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*For more information,
contact Steve Couture, 271-8801,
or visit the RMPP website @
<http://www.des.state.nh.us/rivers/>*

